

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

XO California, Inc.,

Complainant,

vs.

Verizon California, Inc.,

Defendant.

(ECP)

Case 03-11 024

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING THE INITIAL BRIEFING SCHEDULE**

This ruling memorializes the schedule that the parties have agreed upon to brief the threshold issue in this proceeding: whether this Commission is the proper forum for disputes arising out of the 1997 Interconnection, Resale and Unbundling Agreement (ICA) between Verizon California, Inc. (Verizon¹) and AT&T Communications of California, Inc. XO California, Inc. (XO) adopted this ICA in May 1997, and further adopted an extension in January 2001.² The ICA contains language that purports to designate an exclusive remedy for all disputes

¹ In 1997, Verizon was known as GTE California Incorporated and Contel of California, Inc.

² Specifically, XO adopted an agreement between Verizon and Covad Communications Company (Covad), extending the term of Covad's adoption of the 1997 AT&T Agreement.

arising under the agreement. The determination of the threshold issue will dictate the remainder of the case.

Accordingly, **IT IS RULED** that opening briefs shall be filed on February 9, 2004, and reply briefs shall be filed on February 17,³ 2004.

Dated January 28, 2004, at San Francisco, California.

/s/ JACQUELINE A. REED

Jacqueline A. Reed
Administrative Law Judge

³ The parties agreed upon filing reply briefs on February 16; however, since that is a holiday, reply briefs shall be due on the next day.

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting the Initial Briefing Schedule on all parties of record in this proceeding or their attorneys of record.

Dated January 28, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.